

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS

SCANSOFT, INC.,

Plaintiff

v.

VOICE SIGNAL TECHNOLOGIES, INC.,
LAURENCE S. GILICK, ROBERT S.
ROTH, JONATHAN P. YAMRON, and
MANFRED G. GRABHERR,

Defendants

C.A. No. 04-10353-PBS

**SCANSOFT'S PROPOSAL FOR CONCLUDING
THE NEUTRAL EXPERT PROCEDURE**

On December 29, 2005, this Court ordered ScanSoft, Inc. ("ScanSoft") and Voice Signal Technologies ("VST") to participate in a Neutral Expert Procedure "to assist the Court in (1) examining the parties' confidential, proprietary speech recognition source code and (2) reporting to the Court whether the materials examined 'contain reason to believe' ScanSoft's claims of trade secrets misappropriation and/or VST's counterclaim of patent infringement." The Neutral Expert has expressed concern about the magnitude of the task. In order to assist the Neutral Expert in his charge, ScanSoft proposes the following:

1. **By August 30, 2006:** subject to the Court's Protective Order, each party's independent expert (Dr. Wooters for VST and Dr. Goldhor for ScanSoft) shall submit a report to the Neutral Expert, based on the parties' Source Code, the First Year Documents, and the Technical Documents, as defined in Paragraphs 5 through 10 of this Court's December 29, 2006 Neutral Expert Procedure, and all parties' submissions to the Neutral Expert.

a. **By June 30, 2006:** in order to facilitate each expert's review, each party shall produce a witness under F.R.C.P. 30(b)(6) for no more than seven hours to testify knowledgeably about the structure, function, versions, architecture, module location and development history of that party's Source Code.

2. The report by each party's independent expert shall discuss whether there are sufficient similarities between the Source Code for the parties in architecture, function, syntax and structures to believe that VST's code was in part or whole based on or derived from ScanSoft's code.

3. **By October 31, 2006 (or an alternate date set by the Neutral Expert and the Court):** the Neutral Expert shall submit a report to the Court and the parties on the issues set forth in Paragraph 2 of this Order.

4. The procedure set forth in the Court's December 29, 2005 Neutral Expert Procedure regarding the deposition of the Neutral Expert, draft reports, and briefing at paragraphs 15-18 shall govern the procedure following submission of the Neutral Expert's report to the Court.

5. ScanSoft shall waive the protection of the Neutral Expert Procedure as to VST's claims of infringement of the '630 patent. Instead, ScanSoft shall file a motion for summary judgment of non-infringement by August 1, 2006. VST shall conduct any further discovery it wishes on this claim by July 15, 2006.

IT IS SO ORDERED:

Date

United States District Court Judge

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